

Claim Status

Claims 1 – 31 and 33 are pending in the application. Claims 11 – 21 and 33 are withdrawn. With this Response to Office Action, these claims are presented:

1	Currently Amended
2-10	Original
22 - 31	Previously Presented
32	Canceled

The Office Action

Reconsideration and allowance of all pending claims is respectfully requested.

Claims 1-10 and 22 – 31 are rejected under 35 U.S.C. 103(a) in view of Bracho (U.S. Patent Number 6,021,443). Applicants respectfully traverse and request allowance of claims 1-10 and 22-31

Claim 1

The text of claims 1 recites in relevant part “processing said event at a central hub, said processing including modifying said event to be uniquely identifiable.” Bracho does not disclose the recited text of claim 1. The Office Action appears to allege

that Bracho discloses the recited text in paragraph 3(d) as “uniquely modified events, e.g. 1210, 1222, 1404, and modification thereto, e.g. Fig. 15.” Here however, Bracho does not disclose the recited text of claim 1 in these references.

Specifically, Bracho does not disclose any structure with regards to uniqueness. The only mention of uniqueness in Bracho is to state a requirement that advertisers must have a unique name (column 5 line 44). Bracho does not disclose the recited text of claim 1 because it does not disclose “processing said event at a central hub, said processing including modifying said event to be uniquely identifiable.”

Step 1210 of Bracho discloses a hub adding a routing block to an event (column 14 line 50-52). Bracho further explains that each hub adds another routing block to the event. The routing block of Bracho is not described as uniquely identifiable and the addition of a routing block is not performed at a central hub because all hubs perform the same function.

Likewise step 1222 fails to disclose the text of claim 1. Step 1222 in Bracho merely discloses sending an event to a subscriber (column 15 line 12) and makes no disclosure concerning the text of claim 1.

Step 1404 of Bracho is only described in Fig. 4 as “Event Arrives” and has no accompanying text to amplify this step. Applicants believe that step 1404 of Bracho does not disclose the recited text of claim 1.

Similarly, Figure 15 of Bracho does not mention “processing said event at a central hub, said processing including modifying said event to be uniquely identifiable.” Figure 15 appears to disclose modifications to a database and rolling back a transaction.

The hub disclosed in Bracho does not perform the functions recited in the text of claim 1 because Bracho does not disclose a central hub. Figure 1 and 5 of Bracho show hubs, but they show a plurality of hubs all apparently operating as peers. The text of claim 1 specifically recites a “central hub” and as such a central hub is not disclosed in Bracho.

Applicants note that the Office Action takes official notice that “trading partners in a commerce system have been common knowledge” and respectfully traverse. The Office Action does not produce any evidence as required by MPEP § 2144.03(C). “Office notice unsupported by documentary evidence should only be taken by the examiner where facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known.” MPEP § 2144.03(A). The Examiner is required to produce documentary evidence unless the facts beyond the record are “capable of such instant and unquestionable demonstration as to defy dispute.” *Id.*, quoting *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970).

Further, if official notice is taken, the Office Action must “provide specific factual finding predicated on sound technical and scientific reasoning to support his or her conclusion of common knowledge.” MPEP § 2144.03(B). “The applicant should be

presented with the explicit basis on which the examiner regards the matter as subject to official notice so as to adequately traverse the rejection in the next reply after the Office action in which the common knowledge statement was made.” Id. Because the Office Action did not cite specific facts or the explicit basis for the rejection, applicants could not respond beyond pointing out the error.

For at least the foregoing reasons claim 1 is allowable and applicants request allowance of claim 1.

Claims 2 – 9

Claims 2 – 9 are all ultimately dependent from claim 1 and therefore include all the limitations of claim 1. Claim 1 is allowable and therefore all claims dependent from claim 1 are also allowable.

Claim 22

The text of claim 22 recites “means for processing said event at a central hub, said means for processing including means for modifying said event to be uniquely identifiable.” Bracho does not disclose the recited text of claim 22. The Office Action appears to allege that Bracho discloses the recited text in paragraph 3(d) as “uniquely modified events, e.g. 1210, 1222, 1404, and modification thereto, e.g. Fig. 15.” Since claim 22 was rejected together with claim 1, applicants traverse for the same reasons as shown above for claim 1.

As detailed above, Bracho does not disclose any structure with regards to uniqueness. The only mention of uniqueness in Bracho is to state a requirement that advertisers must have a unique name (column 5 line 44). Bracho does not disclose the recited text of claim 22 because it does not disclose “means for processing said event at a central hub, said means for processing including means for modifying said event to be uniquely identifiable.”

Steps 1222, 1404 and Fig. 15 of Bracho fails to disclose the text of claim 22 for the reasons set out above. Also the hub disclosed in Bracho does not perform the functions recited in the text of claim 22 because Bracho does not disclose a central hub. Figure 1 and 5 of Bracho show hubs, but they show a plurality of hubs all apparently operating as peers. Applicants also traverse the official notice in the Office Action for the reasons stated above.

Claims 22 – 31

Claims 22 – 31 are all ultimately dependent from claim 22 and therefore include all the limitations of claim 22. Claim 22 is allowable and therefore all claims dependent from claim 22 are also allowable.

CONCLUSION

Applicant submits that this response overcomes the rejection in the outstanding non-final Office Action. If the Examiner raises a new ground of rejection in a next Office Action, then Applicant respectfully requests that the Office Action be non-final. In particular, any new ground of rejection cannot be necessitated by Applicant's amendment to the claims because the only changes to the claims were to correct typographical errors. Any new ground of rejection could not be based on information submitted in an information disclosure statement because such is not being filed. Accordingly, a subsequent Office Action with a new ground of rejection should not be final. (See MPEP § 706.07(a)).

For the foregoing reasons, Applicants respectfully submit that all pending claims are allowable. To discuss any matter pertaining to the present application, the Examiner is invited to call the undersigned attorney at (650) 947-0700. Having made an effort to bring the application in condition for allowance, a timely notice to this effect is earnestly solicited.

22883

215.1018.02

Respectfully submitted,

Dated: December 1, 2008

/Peter Tormey/
Peter Tormey
Reg. No. 57,761

The Swernofsky Law Group
P.O. Box 390013
Mountain View, CA 94039-0013
(650) 947-0700